

REMARKS

In the Office Action, the Examiner rejected claims 1-98 and withdrew claims 99-109 from consideration as being directed to a non-elected invention. Although Applicants do not necessarily agree with the Examiner's restriction of claims 99-109, Applicants cancel claims 99-109 without prejudice for possible inclusion in a divisional application. By this paper, Applicants also cancel claims 16 and 49, amend claims 1, 17, 18, 33, 50, 51, and 79 to further clarify the claimed subject matter, and add new claims 110-121. These amendments do not add any new matter. Furthermore, in view of the cancellation of claims 16, 49, and 99-109, no fees are believed due for the addition of claims 110-121 in this Response. Upon entry of these amendments, claims 1-15, 17-48, 50-98, and 110-121 will remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1, 2, 4-6, 11-23, 25-27, 30, 31, 33, 35, 36, 41-53, 59-69, 75-80, 83-85, 89-93, and 95-98 under 35 U.S.C. § 103(a) as obvious over Reichmeyer et al. (U.S. Patent No. 6,286,038) in view of Hamner et al. (U.S. Patent No. 6,076,106); claims 24, 32, 54-57, 58, 81, and 82 under 35 U.S.C. § 103(a) as obvious over Reichmeyer et al. in view of Hamner et al. and Li et al. (U.S. Patent No. 6,012,088); claims 3, 7, 9, 10, 34, 38, 40, 70, 71, 73, 74, 86, 88, and 94 under 35 U.S.C. § 103(a) as obvious over Reichmeyer et al. in view of Hamner et al. and Caswell et al. (U.S. Patent No. 6,336,138); claims 8, 39, 72, and 87 under 35 U.S.C. § 103(a) as obvious over Reichmeyer et al. in view of Hamner et al., Caswell et al., and Morisada et al. (EP 0964546 A2); claims 28 and 29 under 35 U.S.C. § 103(a) as obvious over Reichmeyer et al. in view of Hamner et al. and Tonelli et al. (U.S. Patent No. 6,229,540); and claim 37 under 35 U.S.C. § 103(a) as obvious over Reichmeyer et al. in view of Hamner et al. and Pike (U.S. Patent No. 6,721,880).

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d. 1430 (Fed. Cir. 1990). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Claim Features Omitted from the Cited References

Turning now to the claims, independent claims 1, 33, 51, and 79, as amended, each recite elements not present in or suggested by the Reichmeyer et al. and Hamner et al. references. Among its recitations, independent claim 1 recites “identifying the computing device, wherein identifying the computing device comprises initiating a *sensory identification event* to identify the computing device” (emphasis added). Also, independent claim 33 recites “triggering a *sensory identification event* to identify the desired device” (emphasis added). Further, independent claim 51 recites “a device discovery assembly ... adapted to facilitate identification of the second device via a *sensory identification event*” (emphasis added). Additionally, independent claim 79 recites “a device identification module adapted ... to facilitate identification of the desired device via a *sensory identification event*” (emphasis added). Because they fail to disclose or suggest every element recited by the instant claims, the Reichmeyer et al. and Hamner et al. references cannot support a *prima facie* case of obviousness.

In the Office Action, the Examiner suggested that the Reichmeyer et al. reference teaches the act of initiating an identification event to identify the computing device. *See* Office Action mailed January 25, 2005, page 6. Particularly, the passage of the Reichmeyer et al. reference cited by the Examiner discloses a configuration server that receives identification information from a network device. *See* col. 1, lines 26-47. Even assuming, for the sake of argument, that receipt of identification information by a configuration server is an identification event as suggested by the Examiner, the mere receipt of such information is clearly not a *sensory* identification event as described in Applicants specification and recited in the present claims. Applicants respectfully submit that the Reichmeyer et al. reference is devoid of a “sensory identification event” as recited in independent claims 1, 33, 51, and 79. Further, the Hamner et al. reference fails to obviate the deficiencies of the Reichmeyer et al. reference. Because these references fail to disclose or suggest each and every element of independent claims 1, 33, 51, and 79, these claims are not obvious in view of the Reichmeyer et al. and Hamner et al. references. Accordingly, Applicants respectfully request withdrawal of the Examiner’s rejection and allowance of these independent claims.

As discussed above, the Reichmeyer et al. and Hamner et al. references fail to disclose or to suggest each element of independent claims 1, 33, 51, and 79. Further, the Li et al., Caswell et al., Morisada et al., Tonelli et al., and Pike references fail to obviate the deficiencies of the Reichmeyer et al. and Hamner et al. references. Consequently, dependent claims 2-15, 17-32, 34-48, 50, 52-78, and 80-98 are allowable on the basis of their dependency from a respective allowable independent claim, as well as for the subject matter recited by each dependent claim. Accordingly, Applicants respectfully request withdrawal of the Examiner’s rejection and allowance of these dependent claims.

For these reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103.

New Claims

As discussed above, new claims 110-121 have been added by the present Response. These claims add no new subject matter, are fully supported by the specification, and clearly contain subject matter not disclosed by the references cited by the Examiner. Further, each of new claims 110-121 depends from one of independent claims 1, 33, 51, or 79, which are allowable for at least the reasons provided above. Consequently, these new claims are also allowable for their dependency from an allowable independent claim, in addition to the subject matter separately recited by these dependent claims. Accordingly, Applicants request allowance of these newly added claims.

Conclusion

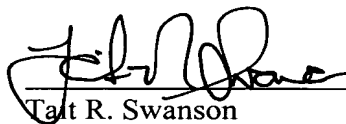
Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Authorization for Extensions of Time and Payment of Fees

In accordance with 37 C.F.R. § 1.136, Applicants hereby provide a general authorization to treat this and any future reply requiring an extension of time as incorporating a request thereof. The Commissioner is authorized to charge the requisite fee for such an extension, and any additional fees which may be required, to Deposit Account No. 08-2025; Order No. 200302131-1.

Respectfully submitted,

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